PUBLIC NOTICE

Federal Communications Commission
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CONSUMER & GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON TERMINATION OF CERTAIN PROCEEDINGS AS DORMANT

CG Docket No. 17-22

Comment Date: (30 days after date of publication in the Federal Register)
Reply Comment Date: (45 days after date of publication in the Federal Register)

By this Public Notice, the Consumer & Governmental Affairs Bureau ("CGB") seeks comment on whether certain docketed Commission proceedings should be terminated as dormant (Attachment).

By Report and Order released on February 4, 2011,[1] the Commission revised portions of its Part 1 practice and procedural rules and its Part 0 organizational rules to increase the efficiency of Commission decision-making, modernize the agency's processes in the digital age, and enhance the openness and transparency of Commission proceedings for practitioners and the public.[2] The revised rules delegate authority to the Chief of CGB to periodically review all open dockets and, in consultation with the responsible Bureaus or Offices, to identify those dockets that appear to be candidates for termination.[3] The Commission stated that these candidates may include dockets in which no further action is required or contemplated as well as those in which no pleadings or other documents have been filed for several years, but it specified that proceedings in which petitions addressing the merits are pending should not be terminated, absent the parties' consent.[4] The termination of a dormant proceeding also includes dismissal as moot of any pending petition, motion, or other request for relief that is procedural in nature or otherwise does not address the merits of the proceeding.[5] Following these procedures, by Order released on November 1, 2011, CGB terminated, as dormant, 999 docketed proceedings.[6]

In the *Procedure Order*, the Commission directed that a public notice, identifying dockets under consideration for termination and affording interested parties an opportunity to comment, should be issued before terminating a proceeding.[7] Since then, the Commission has adopted a series of public

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[1] *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, Report and Order, 26 FCC Rcd 1594 (2011) (*Procedure Order*).

[2] *Id.* at 1594-95, para. 1.

[3] *Id.* at 1604, para. 23.

[4] *Id.*

[5] *Id*. at 1604, para. 24.

[6] *Termination of Certain Proceedings as Dormant*, Order, 26 FCC Rcd 15312 (CGB 2011).

[7] *Procedure Order*, 26 FCC Rcd at 1604, para. 24.

notices and related Orders, closing hundreds of dormant proceedings.[8] Termination of the proceedings in these Orders furthered the Commission's organizational goals of increasing the efficiency of its decision-making, modernizing the agency's processes in the digital age, and enhancing the openness and transparency of Commission proceedings for practitioners and the public. The records in terminated proceedings remain part of the Commission's official records, and the various pleadings, orders, and other documents in these dockets continue to be accessible to the public, post-termination.

CGB, in coordination with the responsible Bureaus and Offices, has once again identified dockets for possible termination.[9] By this *Sixth Dormant Proceedings Termination Public Notice*, CGB hereby seeks comment from interested parties on the possible termination of the proceedings listed in the Attachment. To the extent that a particular proceeding includes a petition addressing the merits or other pending pleadings, a party's failure to file comments in response to this Public Notice will be construed as consent to termination of that proceeding. A party aggrieved by a docket termination may file a petition for reconsideration with CGB or an application for review with the full Commission.[10]

Procedural Matters

Comments and Reply Comments. Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.[11] Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS); or (2) by filing paper copies. All filings should reference the docket number of this proceeding, CG Docket No. 17-22.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: http://fjallfoss.fcc.gov/ecfs2/. Filers should follow the instructions provided on the website for submitting comments. In completing the transmittal screen, ECFS filers should include their full name, U.S. Postal Service mailing address, and CG Docket No. 17-22.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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[8] *See Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 27 FCC Rcd 1613 (CGB 2012); *Termination of Certain Proceedings as Dormant*, Order, 27 FCC Rcd 11284 (CGB 2012); *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 29 FCC Rcd 1604 (CGB 2014); *Termination of Certain Proceedings as Dormant*, Order, 29 FCC Rcd 11017 (CGB 2014); *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 29 FCC Rcd 11168 (CGB 2014); *Termination of Certain Proceedings as Dormant*, Order, 29 FCC Rcd 16059 (CGB 2014); *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 31 FCC Rcd 1205 (CGB 2016); *Termination of Certain Proceedings as Dormant*, Order, 31 FCC Rcd 7584 (CGB 2016).

[9] The list of proceedings is sorted by responsible Bureau or Office and Proceeding Number.

[10] *See Procedure Order*, 26 FCC Rcd at 1604, para. 24, n.76.

[11] 47 C.F.R. §§ 1.415, 1.419.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes or boxes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

Accessibility Information. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

The comments and reply comments filed in response to this Public Notice will be available via ECFS at: http://fjallfoss.fcc.gov/ecfs2/; you may search by the docket number (CG Docket No. 17-22).

Comments are also available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, e-mail FCC@BCPIWEB.com.

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[12] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules.[13] In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native

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[12] *See* 47 C.F.R. §§ 1.1200 *et seq*.

[13] 47 C.F.R. § 1.1206(b).

format (*e.g.*, .doc, .xml, .ppt, searchable .pdf).[14] Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Additional Information. For further information, contact Lauren Wilson of the Consumer & Governmental Affairs Bureau, at (202) 418-1607, Lauren.Wilson@fcc.gov.

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[14] 47 C.F.R. § 1.49(f).

ATTACHMENT